

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

|                                    |   |                            |
|------------------------------------|---|----------------------------|
| SIGHT SCIENCES, INC.,              | ) |                            |
|                                    | ) | C. A. No.: 21-1317-GBW-SRF |
| Plaintiff,                         | ) |                            |
|                                    | ) | <b>JURY TRIAL DEMANDED</b> |
| v.                                 | ) |                            |
|                                    | ) |                            |
| IVANTIS, INC., ALCON RESEARCH LLC, | ) |                            |
| ALCON VISION, LLC AND ALCON INC.,  | ) |                            |
|                                    | ) |                            |
| Defendants.                        | ) |                            |

**SIGHT SCIENCES, INC.'S RESPONSE TO DEFENDANTS' STATEMENT  
OF FACTS REGARDING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT  
NO. 4 CONCERNING OBVIOUSNESS-TYPE DOUBLE PATENTING (D.I. 299)**

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Dated: November 2, 2023

Defendants' Concise Statement of Facts in support of their Motion for Summary Judgment of Invalidity for Obviousness-Type Double Patenting ("ODP") (D.I. 299) pertains to a new, untimely, and forfeited defense as to which Defendants have deprived Sight of fact and expert discovery, and which is subject to a motion to strike (D.I. 306, 307, 324).

1. **Not disputed.**
2. **Not disputed.**
3. **Disputed in part.** Application No. 13/445,816 was filed on April 12, 2012. Sight does not dispute the remainder of paragraph 3.

4. **Not disputed.**
5. **Not disputed.**
6. **Not disputed.**
7. **Not disputed.**
8. **Not disputed.**
9. **Not disputed.**
10. **Not disputed.**

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*/s/ Melanie K. Sharp*

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